

MESSAGE NO: 6013201 MESSAGE DATE: 01/13/2006

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-203

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 09/22/2005 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING SCOPE RULING ON HEAVY FORGED HAND TOOLS
(PICKS/MATTOCKS) FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-203)

MESSAGE NO: 6013201

DATE: 01 13 2006

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 203

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PERIOD COVERED: 09 22 2005 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: ANTIDUMPING SCOPE RULING ON HEAVY FORGED HAND TOOLS
(PICKS/MATTOCKS) FROM THE PEOPLE'S REPUBLIC OF CHINA
(A-570-203)

1. ON 09/22/2005, THE COURT OF INTERNATIONAL TRADE (CIT) UPHELD
THE REMAND REDETERMINATION ISSUED BY THE DEPARTMENT OF COMMERCE

(THE DEPARTMENT), IN WHICH THE DEPARTMENT FOUND THAT THE CAST
PICKS EXPORTED BY TIANJIN MACHINERY IMPORT & EXPORT CORPORATION
(TMC) ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER
COVERING PICKS/MATTOCKS FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC)
(A-570-203).

2. THE CIT UPHELD THE COMMERCE DEPARTMENT IN ITS REMAND REDETERMINATION THAT CAST PICKS ARE NOT IN THE SCOPE OF THE ORDER BECAUSE THE LANGUAGE OF THE SCOPE INDICATES THAT PICKS SUBJECT TO THIS ORDER ARE PRODUCED THROUGH A HOT FORGE OPERATION. CAST PICKS ARE NOT PRODUCED THROUGH A HOT FORGE OPERATION, BUT ARE INSTEAD PRODUCED THROUGH A CASTING OPERATION. THEREFORE, CAST PICKS ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PICKS/MATTOCKS FROM THE PRC.

3. EFFECTIVE 09/22/2005, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE CAST PICKS LISTED ABOVE. THIS SCOPE RULING APPLIES TO TMC AND ALL OTHER PRC MANUFACTURERS OR EXPORTERS THAT EXPORT CAST PICKS TO THE UNITED STATES.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE CAST PICKS LISTED ABOVE.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF PICKS/MATTOCKS SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PICKS/MATTOCKS FROM THE PRC.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE

CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD
ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE
ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR
(202) 482-3577 RESPECTIVELY (GENERATED BY O4:MJM).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party